

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JAMES L. KILMAN,

Plaintiff(s),

v.

CAROLYN W. COLVIN,

Defendant(s).

2:13-CV-1424 JCM (VCF)

ORDER

Presently before the court are Magistrate Judge Ferenbach's report and recommendation (doc. # 14). The magistrate judge recommends that plaintiff's motion to remand (doc. # 9) be denied, and that defendant's cross-motion to affirm (doc. # 10) be granted. Plaintiff has not filed objections to the report and recommendation and the deadline in which to do so has expired.

This court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). Where a party timely objects to a magistrate judge's report and recommendation, then the court is required to "make a de novo determination of those portions of the [report and recommendation] to which objection is made." 28 U.S.C. § 636(b)(1).

Where a party fails to object, however, the court is not required to conduct "any review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge's report and recommendation where no objections have been filed. *See United States v.*

1 *Reyna–Tapia*, 328 F.3d 1114 (9th Cir. 2003) (disregarding the standard of review employed by the
2 district court when reviewing a report and recommendation to which no objections were made); *see*
3 *also Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) (reading the Ninth Circuit’s
4 decision in *Reyna–Tapia* as adopting the view that district courts are not required to review “any
5 issue that is not the subject of an objection.”). Thus, if there is no objection to a magistrate judge’s
6 recommendation, then this court may accept the recommendation without review. *See, e.g.,*
7 *Johnstone*, 263 F. Supp. 2d at 1226 (accepting, without review, a magistrate judge’s recommendation
8 to which no objection was filed).

9 Nevertheless, this court finds it appropriate to engage in a de novo review to determine
10 whether to adopt the recommendation of the magistrate judge. Upon reviewing the recommendation
11 and underlying briefs, this court finds good cause appears to ADOPT the magistrate’s findings in
12 full.

13 Accordingly,

14 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Magistrate Judge
15 Ferenbach’s report and recommendation (doc. # 14) be, and the same hereby are, ADOPTED in their
16 entireties.

17 IT IS FURTHER ORDERED that plaintiff’s motion to remand (doc. # 9) be, and the same
18 hereby is, DENIED.

19 IT IS FURTHER ORDERED that defendant’s cross-motion to affirm (doc. # 10) be, and the
20 same hereby is, GRANTED. The clerk shall enter judgment accordingly and close the case.

21 DATED May 13, 2014.

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23 
24 **UNITED STATES DISTRICT JUDGE**